

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CIT BANK, N.A.,

Plaintiff,

-against-

MARYORY P. CASTILLO, MARICELA
I. BAKSH, CONTINENTAL HOME
LOANS, INC., CLERK OF THE SUFFOLK
COUNTY TRAFFIC AND PARKING
VIOLATIONS AGENCY,

Defendants.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

17-CV-2132

Presently before the Court is the Report and Recommendation, dated March 8, 2018, of Magistrate Judge Arlene R. Lindsay recommending that plaintiff's motion for a default judgment and judgment of foreclosure and sale granted, a Referee be appointed to conduct the sale of the mortgaged premises, and damages be awarded to CIT Bank in the following amounts: (a) principal in the amount of \$444,364.05; (b) interest, at a rate of 2% through July 21, 2017, in the amount of \$4,104.08; (c) additional charges and advances in the amount of \$4,978.79; (d) and costs in the amount of \$1,150.00; and that the request for attorneys' fees be denied given the absence of appropriate supporting documentation. More than fourteen days have elapsed since service of the Report and Recommendation and no objections have been filed by Defendants. Plaintiff did not file objections but filed a "Supplemental Affirmation in Support of Attorneys Fees" which purports to provide the previously absent information. In other words, Plaintiff does not dispute that the deficiencies noted by Judge Lindsay exist but rather seeks to remedy them.

Having reviewed the R&R de novo, the Court adopts it in its entirety. As to

whether the additional materials submitted by Plaintiff warrant an award of attorneys' fees, that matter will be referred to Magistrate Judge Lindsay for Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for a default judgment and judgment of foreclosure and sale is granted, and damages are awarded to CIT Bank in the following amounts: (a) principal in the amount of \$444,364.05; (b) interest at a rate of 2% through July 21, 2017, in the amount of \$4,104.08; (c) additional charges and advances in the amount of \$4,978.79; and (d) costs in the amount of \$1,150.00; and

IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Lindsay for a Report and Recommendation as to whether the additional materials submitted by plaintiff warrant an award of attorneys' fees. Entry of a judgment of foreclosure and sale shall await determination of that issue.

Dated: Central Islip, New York
April 5, 2018

/s/ Denis R. Hurley
United States District Judge